# That Settles It.

Brought into Competition with th World, the Best Carries off the Prize.

At the great Centennial Exhibition of 1876 the leading products of all the branches or world's industry were assembled at Philadel phia. To carry off a prize in the face of that indons competition was a task of no ordinary difficulty. Inventions and preparations for the alleviation of pain and the cure of discase were present in the greatest possible variety, representing the skill and the profoundcot study of the age, and it may be of vital importance to you personally to know that the highest and only medal given to rubber l'orous plasters was awarded to the manufactur ers of BENSON'S CAPCINE POROUS PLAS-TER by the following jury: DR. W. ROTH, Surgeon-Gen. Prussian Army. J. H. THOMPSON, A.M., M.D., Washington,

C. B. WHITE, M. D., New Orleans. ERNEST FLEISCH, M. D., Austria. The decision was afterwards confirmed by the medical jury at the last Paris Exposition Knowing the value of such high and unbiased estimony, the medical profession, both in the States and in Europe, quickly threw seide the old, slow-acting plasters they had been using and adopted Benson's in their reg. giar practice. That physicians and surgeons of the broadest reputations did this, distinctly proves the intrinsic merit of the article. It is no more that just to add that the average

physician of to-day is not dominated by the dices which retarded the progress and

cations whatsoever, for the mitigation or cure | people in the different sections of the of disease, is no longer questioned. Let the purchaser, however, be ou his guard it is CAPCINE CUT in the middle. Senbury & Johnson, Chemists, New York.

CELEBRATED

ale by all druggists and dealers gen

## A SURE RECIPE For Fine Complexions.

Positive relief and immunity from complexional blemishes may be found in Hagan's Mag-nolla Balm. A delicate and harmless article. Sold by drug-

gists everywhere.

It imparts the most brilliant and life-like tints, and the closest scrutiny cannot detect its use. All unsightly discolorations, eruptions, ring marks under the eyes, sallowness, redness, roughness, and the flush of fatigue and excitement are at once dispelled by the Magnolia Balm. It is the one incomparable

Will Kill Screw Worms Instantly

INTERNAL OR EXTERNAL

sininte, kingworm, Brnises, Sprnine,

And all Diseases of the Skin. Diarrhes, Coite and Cramps, and will be on trial to be the Best Pain Killer am Relief ever offered to the public.

BAW ANTONIO, TREAS, August 3, 1882. Morley Bros.: e send us 12 degen WONDERFUL and 12 degen TWO-BIT COUGH SYR KALTEYER & SON

Pare, TEXAS, July 20, 1882. Picase Express to Terrell, 8 dozen WONDER-DIL E164HT, 2 dozen T.X-S AUUE TONIC, and I dozen TWO-BIT COUGH SYRUP, and bilgo, yours, W. L. BROWN, Agent. Ban ADDUSTINS, TERAS, July 5, 1882.

S. Moricy Bross.

Se saud per Express, care Crow & Raidlenderson, 6 dos. WONDERFUL EIGHT,
hige, yours,

J. B. JOHNSON.

CHARLESTON, TREAS, August 5, 1882.
Morkey Bros.:
Express to Paris, 3 dosen WONDER
16H C. Our customers use it to kil
forms. Yours, truly,
THEREFLL & CO.

MORLEY'S T-X-S

Chills and Fever. to Provide Will Bare No Other Where II Has Com-

New Warener, Trace, May 25, ..... Pacific Ergense, 3 des. P.X-8 ACCU-it has not fellow to care in a sing. Yours, Train, J. T. Will'R. Quasa Cerv. Tuxas, July 27, 1888. tortey Bros.:

Morely Broat to Market I done T-x see and Per Express I done T

### OUR WASHINGTON LETTER.

WASHINGTON, Feb. 22. To the Editor of the Statesn The practice of appointing examinnissions has grown to an immense extent in the last few administrations. Grant started the practice; the vast amount of corruption and t the vast amount of corruption and colors are colored and colors an and suspicion and it became necessary to hoodwink the people by appointing mmissions to ferret out frauds. lysses found the commissions a plendid pretext to cover up jobbery, and during his last term they were resorted to on all occasions supposed to demand correct judgment. The

pious Hays followed in the foot-steps

of his predecessor, and it was impos-

sible for him to even purchase a piano

for the executive mansion without the report of a commission as to which was the best manufactured. The COMMISSION APPOINTING FEVER Finally reached congress, and now the solons are constantly appointing lazy, disregard for the people's money. They always travel in Pullman cars, stop at the best hotels, buy the best liquors and cigars and recklessly ast females and riotous living besides traffic our way which he can induce.

It is to his interest to do so. He will being paid princely salaries. THE LATE TARIFF COMMISSION Was a notable sample; the members after spending months at Long Branch, Saratoga, White Sulphur odified the success of his predecessors of Springs and other fancy places not more than twenty-five years ago. He no and indulging in balls, dinners cepts hints from all quarters, and endorses and other high life attachments, reand adopts demonstrated healing agents turned to Washington with an ill collected mass of valueless manu-The right of Benson's Capcine Porous Plass script. This commission was appointter to stand at the hear of all external appli- ed to obtain the views of all classes of country upon the tariff question, but a well known fact that gainst initations. The genuine has the word they only gave audience to wealthy

manufacturers and monopolists, with riews contrary to those entertained by the mass of the people. Senator Garland being a Democrat, his bill to appoint a committee of five senators examine into the work now in rogress for the improvement of the Mississippi river below Cairo, Illinois, has created much comment and critilam among politicians in Washing-

In two weeks' time the United

States FISH COMMISSION Will commence to send exhibits to the London exhibition, which opens year 1880. The following was the est at home next dime dom got owid. in May and continues for six months. The exhibits from this country will by states. Number of persons using contain everything pertaining to fish | wood for domestic purposes, 32,375, and fish catching, from the primitive | 074. spear and canoe of the Indian to the huge whaling ship and complete tackie now used by American Arkansas 397 400 salts. Plaster models have been California. 1738 62 spear and canoe of the Indian to the of all our food fishes, and Coorado ....... many of the marine monsters that live | Come ticut..... along the Atlantic and Pacific coasts.

The paraphernalia of fish canning establishments and ornaments made of shell fish will be included in the exhibits agait from this country. This hibits sent from this country. The idal exhibit will be more complete than any yet made by this government. | ludiana .... The following changes and im-Kan as. provements have been made in the

TEXAS POSTAL SYSTEM: A postoffice has been established at Maine... south, and La Salie, seventeen miles north. The postoffice at Arleston, Panola county, has been disconston, Panola county, has been discontinued; the mail will hereafter be sent to DeBerry. The postoffice at Sobraska Corey, in Lampasas county, has also been discontinued, has also been discontinued. New Hampshire. the mail will be sent to Senterteit. After March 5, on route 31,377 from Ladonia to Blue ridge, Prairie Hill, a North Carolina. new postoffice, will be omitted, and Oulo ...... the route increased a distance of one Oregon mile to embrace Leonard, between Pennsylvan a History creek and Lane. On route Rusele Island. Hickory creek and Lane. On route 31,495, the mail will leave Homer daily at 2 p. m. except Sundays, and arrive Toxas at Lufkin by 5 p. m.; leave Lufkin Utah. laily, Sundays excepted, at 10:30 a. m. arrive at Cheesland by 12 m.; leave Cheesland daily, Sunday accepted, at I n m : arrive at Rufein by 5 n m West Virginia ... West Virginia ... t p. m.; arrive at Rufein by 5 p. m. On route 31,581, Mineral Wells to Millsap, mail will leave Mineral Wells daily except Sunday at 4:20 p. n., arrive at Millsap 6 p. m.; leave Millsup daily except Sundeay at 8 a. some wood from Canada. The rail-m, arrive at Mineral Well by 9:40 a. roads used 1,971,813 cords, valued at A. These changes was
March I. On route 31,540 mail will
leave Gainesville daily except
Sundays at 6 a. m., arrive at
Montague by 8:15 p. m. Leave Montague daily, except Sunday, at 7 a. m.
tague daily, except Sunday, at 7 a. m.
the manufacture of brick and the 157,522 cords, valued at 83,978,331. James K. P. Evans has been commissioned postmaster at Chilk, Texas, in the manufacture of sait, 540,448 William P. Wellborn at Fosterville. cords, valued at \$1,121,681. In the George A. Sterling at Trassyville. Mrs. Phœbe L. Keeter at Kuter, Charles B. Baily at Daly's, Thomas D. Jones at Barksdale, Mrs. Sarah E. Clark at Benchley, George H. Mudd

at Summersett, James Buggy at Buckley, La Salle county. TEXAS INVENTORS. Charles and Gabbott Armstrong, of Galveston, have been granted a patent for a chair for railway-rails; Wilham A. and C. S. Hawkins, of Waxa-hachie, patent car coupler; Edward opper; assignor to Carvin gin and machine company of Memphis. George W. Kerby, Boliver, draft engineer; Hiram B. Phillips, Pales-tine, hoop fastener for buckets, ets.

TEXAS PORTS. In the treasury department special he United States for the six months ending with the new year, just printed, we have the following con-

cerning the foreign trade done at THE TEXAS SEA PORTS: Corpus Christi imports, \$69,651 exports domestic merchandise, \$228,-149; exports foreign merchandise, \$28,582; remaining in warehouse Deember 31, 1882, \$101. Galveston im-ford, Jones, Nolan and Mitchell, orts, \$262,914; exports domestic mer-handise, \$4,523,272. No account was riven of the foreign merchandise at he will find that almost all these lands the port. Remaining in warehouse December 31, 1882, \$91,050. For the same period the total imports of all I would like to see the legislature fix the ports of the entire United States its minimum full up was \$59,501,820; exports of domestic merchandise \$90,357,054; foreign merchandise \$2,603,379; remaining in warehouses, \$31,245,800; Brazos De Santiago imports, \$56,317; exports domestic merchandise, \$120,022; exports foreign merchandise, \$22,411; remainoreign merchandise, \$22,411; remain- with the same care as an intelligent ing in warehouses December 31, 1882, gentleman would his estate. Now, \$5840. Compare \$4,523,272 with \$90. Sir, almost any person would be fully 357,054, and the standing of the leading ports of Texas with all the other acres of land scattered over a large ports of Texas with all the other over a large ports in the country will be iscertained. If the general government could be pursualed to expend the necessary amount of money to improve the harbor of Galveston, the same as has been done for other cities, acres. Hespectfully, A. R. Johnson. she would in the next generation grow to a city the size of Chicago or St. Louis. There is a vast empire in the interior to back Galveston, and she should be enabled to take advant-age of her position. L. S.

The Transferred Interest.

[New Original Pleasures]

We suppose that Mr. Huntington will at once extend the Gulf, Western Texas and Pacific from Cuero to San Antonio, and use it, not to carry his Southern Pacific business down to the sandbar at Pass Cavallo, but to feed the local business to his main line on the suppose that the possible of the sound be considerably and the first, when the same that the purpose to the temptation to step out of their proper the suppose to the suppose to the sum of the first, when the sense to the suppose to the sum of the first, when the sense to the sum of the first, when the sense to the sum of the first, when the sense to the sum of the first, when the sense of the sum of the first, when the sense of the temptation to step out of their proper the sum of the first, when the sense of the sum of the first, when the sense of the sum of the first, when the sense of the sum of the first, when the sense of the sum of the first, when the sense of the sum of the first, when the sense of the sum of the first, when the sense of the sum of the first, when the sense of the sum of the first, when the sum of the first, when the sum of the first, when the sum of the sum o the local business to his main line, on which it can come to New Orleans. This will also be the service rendered by the Houston and Texas Central, which earns about \$3,000,000 per annum from freight, mail and express, and above \$730,000 from passengers.

In the calendar at Pass Cavallo, but to feed the rolled, so as to line the surface; then rolled, and if all lumpy, harrow means for incorporating their notions into the economy of the universe. Is the rolled, and if all lumpy, harrow means for incorporating their notions into the economy of the universe. Is the question of foods and drinks? they must have temperance put in a law enforced with fines and penalties; is it a matter of nerve stimulants? they clamor for a legislative of the fact that the increase of the conomy of the universe. Is the adventure of the extension of sidings where the conomy of the universe. Is the rolled, and if all lumpy, harrow means for incorporating their notions into the economy of the universe. Is the adventure of the extension of sidings where the rolled, and if all lumpy, harrow means for incorporating their notions into the economy of the universe. Is the rolled, and if all lumpy, harrow means for incorporating their notions into the economy of the universe. Is the rolled, and if all lumpy, harrow means for incorporating their notions into the economy of the universe. Is the adventure of the extension of sidings where the properties of the extension of sidings where the properties of the extension of sidings where the properties of the extension of sidings where the exten which earns about \$3,000,000 per annum from freight, mail and express, and above \$730,000 from passengers. In the calendar year 1881 it hauled equal to 105,432,771 tons of freight one mile, and can aid a very inaterial business to the main line between Housiness that we now get but a small proportion of.

There is an incldettal value in the Texas Central, prospective, but not less certain, to Huntlington, which may be considered in this connection.

The connection with Gorid, a proposition of the connection may be considered in this connection.

Francisco road, built from St. Louis bushels of clean seed with 200 pounds reliance on reason, science and comto Fort Smith, in Arkansas, and build-superphosphate of good quality per mon sense for the vindication and esing, or about to be built, through the acre between September 10 and 15. tablishment of the better way. Indian country to Paris, Texas, where it will meet the Houston and Texas hausted have not failed to be renewed great engine which will do their work Central's new spur from Ennis, which and produce large crops.

we believe is already completed as far as Terrell, which is thirty-one miles has been uncer cultivation over fifty east of Dallas on the Texas Pacific. years without any barnyard manure Texas would give it up willing-ly. It enables Huntington to ride on his own rails from San Fran-mon for farmers to say, when a crop cisco to St. Louis, and flanks the en- fails to be abundant, that the land is

tire Union Pacific system, which has never yet been able to get east of the Missouri river at Kansas City, Leavenworth, St. Joseph and Omaha, and has to use Gould's Southwestern and the control of the land is new, or when kept rich with barnyard manner, it readily yields to the plow and coarse, but when by thorough workmore by his purchase of the Texas benefit a following wheat crop, whether plowed in or taken off the land, but have seen other vegetable ided injury to following crops, by its leaving the soil so light and loose as to cause heaving by the action of frost, to the destruction of the wheat will give us an alternative track plant .- F. P. Root, in New York Tribune.

ob three or four years; but Hunting-

Central than by any other move he

has recently made, because it stands

eventually build the line from Ver-

milionville to Baton Rouge, which

westward, and enable the Attakapas

people to visit us via the state capital,

time they have had to lose in vis

iting the state capital via New Or-

26 903

7 000 874

1,315 8-1

860. 41

432 254

...140, 87,439 8306,950,040

Maine and Massachusetts imported

t \$321,962,273. The consumption of

amounts to 74,008,972 bushels, valued

Land Matters. .

I have read Col. John Henry Brown's

communication on "The School Land," with great pleasure, and am

ghal to see that a man with such prac-tical good sense has taken hold of the

ubject. I believe, however, that his

e complains of would prove a fail-

emedy for one of the greatest evils

ure. I refer to the appointment of

surveyors for the purpose of obtain-

ng a better valuation and classifica-

ion of these lands; for I believe it is

almost an invariable rule for county

surveyors to fix the lowest minimum

value on them, regardless of their

red worth. In support of my position, I would cite him to the records or

the counties of Taylor and Shackle-

Treatment of Heavy Soil.

BURNET, Feb. 26, 1883.

234 848

alretty.'

railroad feeders.

Kentucky ...

South Carolina

Total .....

at \$5,276,738.

To the Editor of the Statesa

and so devote to business with us the

on is a man of larger calibre.

THE BARBER'S PHILOSOPHY. He Thinks too much Tenderness is Wasted on Public Criminals.

Moreover, as Gould's lines (From the New York Sun. ] already penetrate the rich region of northern and central Texas tapped by "If you vant to found someding the Houston and Texas Central, the owid, pether you keep a parber shop possession of the latter by Huntingalretty," said the German barber near ton opens to us a competitive trade the Cooper Institute yesterday; "a channel of which our merchants will parber got himselluf more bublic opinion der inside of one tay as der be able to avail themselves. We are sorry for Galveston, but she will have enators and congress fellers der to take the advice of the News and whole gundry tergedder in sex month gauge her future by her own pith and found owid. Choose dake dot sdade's energy. New Orleans has the subrison invesdigation. Der bublic vich preme advantage of deep water, which is frequented by the flags of got itself shafed mit my shop tone care if dem brisoners peen habby und all maritime nations, and can offer gontented, or if dem got so much something substantial in return for lrubble like a von-legged man drying to get away from de-society of a mat bull.

haf not you single pay rum gusdimer Amount of Wood Consumed in 1880. got vich vill sbeak apond der subject The census bureau furnishes an in-Dem hat sayt, if der brisoners tond eresting estimate of the amount of like der pill of fare, may be dem vil wood consumed as fuel in the census "But it von de freuat apowl dot consumption for domestic purposes vat you call brison labor contractions chiminy hooky! blendy beople apowd dot got demsellufs someding to say. Shall a brison make mit it selluf a but factory und a shoe sho und machinery peezness und gooking stofes? No! mine vriend, dot vos a outrages. How shall der peezne s 3 0.8 ac goot brices sharge for hats und show 75:3: und dings, airctiv if und dings, airetty, if some felier got twelf hundert brisoners at sexty Ser 7cm cents a tay der same dings broducing.

8,279 24 Aind it? 383,689 Oh, I vish com legislature gom 14. 36 to 2 mittees would invesdigate der parber-18 8 4.729 shops, und some information get 7 2.8 725 demsellufs! Dem vould found owid mana 2 0 to make der brisoners broduce for 4 607,415 demsellufs giotning and display 4 0 8 137 learn der same dime a drade, all der demsellufs glothing and dings und 3 170,54; vile, Der most a man can in Sing 4 6 3 283 Sing learn is der vay to make der heel 7.14: 116 tonholes is making, und yet yen he is 8,6 8 4 15 doing dot he more drubble makes by 3,859 843 beacefuliness and gwiet of brivate 875,711 life, house-breaking und vife-peating und making pelieve brize-fight, all der

1 001 380 at 1 Oh, mein Gott in himmel! de 180 180 180 180 180 ask me apowd dot teffil parber le der negst shair! He has alretty many dimes doo often blayed mit my chen-erosidy. To-day, choost now, I haf 1, 04 01 got a ledder py him, where he says he must py der funeral of his ungle Gott-11,505,997 lieb, a whole day from his vork dook off. Oh, if I vos not pizzy so much I could gry for dot fool! He is a loaver and has got himselluf not ad all some 10,404,134 499 9 4 8,874 701 11,868,789 shame.

"Is his uncle not dead, then?" "Chulius Zeezer, yes. I had mysell of to us, or shall we bid them yent a year ago py der funeral of his go on and on increasing our angle Gottlieb, and he forgets myselof und vould drow vool owid of my yes und make dot ungle dwice dead

An Annexation Scheme. [El Paso Lone Star.] A bill has been introduced in congress to amend the organic act of the erritory of New Mexico in such a nanner as to relocate the boundary ine between that territory and the state of Texas. As far as we have manufacture of wood, 158,208 cords, valued at \$425,239. The total consumption is 145,778,137 cords, valued cut off that part of the state of Texas west of the Pecos river (which inludes the counties of El Paso, Presidio, Pecos and the extreme western en l of Tom Green), and to annex the harcoal in the twenty largest cities in the manufacture of fron and in the production of the precious metals sune to the territory of New Mexico.

It is alleged by the supporters of this scheme that, topographically, these counties belong to New Mexico; that the inhabitants have no natural affinity with the rest of the state of Texas; that, in order to attend the sessions of the United states courts, the citizens of these counties have to travel from five to seven hundred miles over an uninhabited country, whereas, by being an-nexed to New Mexico, they are brought within the jurisdiction of a court distant only from forty to sixty miles from the more thickly settled

ere the same; that the commercial in-New Mexico; that there is not now and never can be any community of rest of the state; that the only actual connection existing to-day between this part of Texas and the eastern and southern counties is an arbitrary one of political boundaries; and that the consummation of the scheme would

wonderfully enhance the prosperity of this portion of the country.

This question is not altogether a new one. The subject has been discussed in a quiet way for a number of years, but has never before assumed be admitted that the arguments in | 000. favor of the plan are backed by truth and good judgment, still a newspaper in Texas would be almost committing suicide to advocate it; and hence we only refer to the matter as a piece of tion and fair discussion.

If the Indiana inquirer's clay land has become "exhausted," I think it is the result of shallow plowing, for no soil will endure for wheat like a ments are peculiarly exposed to the temptation to step out of their proper treatment.

and save them further trouble, they unanimous reason of the people

About Butter and Cheese.

[Demorest's Monthly for February.] We are becoming a great cheese and butter-eating nation. The home con-sumption of these two articles of dist has increased in a greater ratio than ing it is made equally fine and mellow | was when our butter and cheese were It is a little further via Houston | there is no lack of plant food to pro- very poor, compared to those produced and Huntington's lines between New | duce abundant crops. Thorough and | in certain parts of Europe. But our well paid, junketing parties to wander over the country, worry the people and make out lying and entirely useless reports. The commission of the country worry the people and make out lying and entirely useless reports. The commission of the country worry the people and make out lying and entirely useless reports. The commission of the country worry the people and make out lying and entirely useless reports. The commission of the country worry the people and the country with parts of Edrope. But our case was wholly circumstantial deep cultivation of heavy clay soils, is via Texarkana and Gould's with proper drainage, will render them almost inexhaustible. As to average of that produced in Europe, the country worry the people and make out lying and entirely useless reports. The commission of the country worry the people and make out lying and entirely useless reports. The commission of the country worry the people and the country work the people and parties are noted for their reckless ton from getting part of our St. Louis experience, known a good crop of of oleomargarine has led to a demand disregard for the people's money. business. We are likely to profit clover grown that did not greatly for finer varieties of butter. Inferior butter rules low in our market. Time was when New York and the middle states produced the best butter, but ander untold sums of mone y upon to reason that he will bring all the growth plowed under, showing a det the more favorable conditions which exist in the west have led to the proluction of an article which sells for several cents a pound more than eastern butter. It is a very valuable article of food, especially in cold weather, is it supplies some of the fuel which seeps up the heat of the system.

> [For the Statesman.] Shall We have any Railroad Legis

lation? This question has presented itself to my mind since the printing of the orrespondence between the Hon. J. Q. Chenoweth, chairman of comnittee on internal improvements, and the Hon. Jno. C. Brown, chief repreentative of the railroads. I have no rt or lot with the railroads-own either stocks nor bonds-and know s little about the traffic management ince reading the testimony, as sublished, as I did before. But, as a itizen of Texas, fully impressed with he grand possibilities that lie before is; having witnessed the enormous owth of Iowa, Missouri, Kansas nd Nebraska, since the war, as a equence of the rapid building of ulways in those great states, I desire say but a few words. No one deies that our present prosperity, as videnced by our wonderful growth the last few years, is the direct esult of the building of the great lines of roads through our ex-tensive territory. In this respect we are more blessed than any other ection, for we have two great international thoroughfares through our mpire state, leading from the Atntie to the Pacific; and through our state is to pass the commerce to and rom our sister republic of Mexico, hus concentrating within our limits he commerce, not simply of a contient but of the northern hemispheres. The works that have been so far conimmated are but the corner stones roads were struggling for life, could have thus anticipated their success as they are to-day? Who could have important the jury to acquit because the failure of the evidence to corroborate the ald have been concentrated within or boungdaries to work such a result? And who is there in Texas to day who yould not have been willing to have one who could have given bond to

ortune at this late day to be the he world with their mighty feats: and the question comes home to us: shall we bind the limbs of these athletes? Shall we, in order to show our powers and our strength before the world, signify to this mighty power that a still greater one exists among us? Shall we, like the pope of Rome, demand from them an acknowledgment that they owe their crowns to us, or shall we bid

our lands-cheapening the transportation of our products-until state shall, in population and political strength, be the first empire in the great galaxy of the union? Other states of the union are attempting to bind this modern Sampson. Some of hem have eve gone so far that they nave shorn him of his locks. Shall we follow their example simply beause they have done so? or shall we ld him welcome to our border and present | im with a field of operation unequalled elsewhere? Who is to gain by such action? If they can afford to spend their millions and wait for its natural result for recompense. we certainly can stand calmly by and

When the end has been reached. and the great wilderness of Texas, throbs with a civilization responsive to her great resources, it will then be time for her statesmen to take up the subject and demonstrate who has been he loser in this great game. Let us be men, and with the mlads of men who are looking beyond the more hour-men who can g asp in all its mmensity the results of the forces that are at work around us, act as men should, fearless and independent, unheeding the pretended popular clamor of the demagogue, or of those

portions of these counties, and less than three hundred miles from any portion of them; that the people of this section of Texas and those of New Mexico are homogenous; that they are bound together by common ties and is location that their traditions, his wife \$1,500,000 and his residence, stronger of the their traditions, his together the section of the section o interests; that their traditions, history pursuits, habits and inclinations sonal friends, \$795,000 to various charities, and the balance of his esterests of this portion of the state tate, estimated at about \$6,000.000, is are identical with those of southern entrusted to his executors for his gradson, Edwin D. Morgan. Among the charitable bequests are these interest, commercial or otherwise, be-tween the counties named and the \$100,000, subject to reduction by \$88,000 already rustees; association for the relief of respectable aged, indigent females, \$25,000; the woman's hospital, \$25,000; New York city mission and tract society, \$25,000; Presbyterian board of foreign missions, \$100,000; board of home missions, \$100,000; fund to supplement the salaries of clergymen engeiged in home missionary work, \$50,000; Manhattan eye and ear hospital, \$50,000; Union theological seminary, such shape as now; and, while it must \$200,000; Presbyterian hospital, \$50,

It is seriously proposed to dupli-cate the Suez canal. It is 300 feet wide on the surface, but the banks slope so gradually that the channel at important news worthy of considera- the bottom is only 100 feet wide. The on the banks, of course, so that the removal of one of these banks to widen the channel would be more expensive than the opening of a new chan-nel parallel. The cost of this would be considerably

THE HIGHER COURTS. (GALVESTON TERM 1883.) Synopsis of Opinions of the Court of

Appeals.

REPORTED BY ED. J. HAMNER. Parties destring information upon matt y writing our court reporter at Galveston. I Cone vs. the state; appeal from Harris county.—This is an appeal from a judgment of conviction for rape. There are no exceptions in the record to the indictment, and it is sufficient. Now, as there were no exceptions taken to the action of the court in refusing the motion for continuance, it will not be noticed. Were the evidence against appellant wholly circumstantial, the special instruction isked, to wit: "The evidence for the any other food. Cheese, like meat, is state must exclude every other hypomuscle-producing, and is very nuthesis but that of the prisoner's guilt. system to reach St. Louis. Nobody system to reach St. Louis. Nobody expected the Morgan people to hurry an indispensable condition to plant tritions to people who have st anachs and unless it is so conclusive, you will this St. Louis connection, and they would perhaps have slept over the would perhaps have slept over the tivation it becomes tenacious and Europe can live on cheese with an able, but where the evidence is posionion and a little macaroni. Time tive it is not. Affirmed.-Willson, J. Thomas vs. the state; appeal from Harris county.-The evidence in this was wholly circumstantial dence is purely circumstantial the charge of the court must expound to the jury the nature and conclusiveness of the character of evidence necessary to warrant a conviction. [12 Ct. App. 657.1 The court's attention

> should have been granted. Reversed and remanded.—White, P. J. Weeks vs. the state; appeal from Gaiveston county.—Defendant was charged with burglary by breaking and entering a house with intent to commit theft, and was convicted of an attempt to commit burglary. The indictment alleged the entrance by force only. Held, Under these facts the charge of the court should have been confined to an attempt by force. The charge reads "If you believe from the evidence that the house was occupied \* \* and that defendant as charged in the indictment did endeavor by actually attempting to enter same," etc. Held, No matter what the evidence was the indictment having chosen force the charge should have been confined thereto, and unless the proof carries the case far enough to indicate the

manner it is insufficient. Reversed and remanded.-Hurt, J. Marshall vs. the state; from Fort Bend county.-This is an appeal from a conviction for aggravated assaulupon an information reading thus: Lewis Marshall did, on or about the 25th day of February, 1882, Insaid county of Fort Bend vs. state of l'exas, make an aggravated assault upon Thomas Tolliver," etc. Heid. Inis information is insufficient to support a conviction for an aggravated assault but will support one for

simple assault. [See 12 Ct. App. 506.] teversed and remanded.-Hurt J. Cox vs. state; appeal from Brown county .- In this case, a conviction for perjury, while the indictment is not la accord with approved precedents vet it is substantially sufficient and contains the necessary allegations of such facts as constitute the crime. [42 Tex. 12; 7 Ct. App. 375; 9 Ct. App. 119.] The evidence, however, is sufficient to support the conviction. Of the three wit-

nesses put upon the stand but one of testimony of the single witness as to the falsity of the oath. (Gabrielsky ys, the state of fexas, law reviews. Reversed and remanded.-Willson, J Wooldringe vs. thestate; from Fayranted an unlimited franchise to any ette county.—The question whether may insured such success? It is our in a matter confided to the discretion of the judge, and is no longer a matheatre upon which these great railroad gladiators have astonished duced upon the trial is considered in passing upon an abuse or non-abuse of this subject, and as to whether the testimony derived is true, and if true, is it material? And it must both appear to be true and material to warrant a reversal. [9 Ct. App. 292.] A verdict reading: "We the jury and the defendant guilty of murder in he Fist degree," does not support a

judgment of conviction for murder in the first degree. Reversed and remanded .- White, P. J.; Hurt, J., dissenting. Green vs. Carlton; from Colorado county -Where a suit is brought and an attachment levied, the fact that the defendant replevied the goods would not prevent him, upon a proper plea and evidence supporting such, from recovering in the same suit in reconvention. [Revised statutes, article 650; 6 Texas, 406; 46 Texas, 79,

Appellant, in his answer, having admitted fully the appellee's cause o action, there was upon that matter no issue, and as appellant's plea of re-convention was the only issue, and appellant having the amrmative of that issue he was entitled to open and conclude. Reversed and remanded.-Wilson, J.

Commission of Appeals. Houston, East and West Texas rail

way vs. Grimstead; from Harris county.-Although the application for continuance might not be in strict compliance with the statute, yet, being addressed to the discretion of the court, and an abuse clearly appearing because the desired evidence was both material and probably true, a new trial should have been granted. In considering damages against a railroad caused by a defective road bed, only such sum can be recovered as, in the judgment of the jury, would compensate the plaintiff; and his age, posible duration of lif and hi ability to perform before and after the injury, and the mutual anguish and mental suffering are to be considered. Reversed and remanded.—Watts, J. Tudor vs. Mays et al; from Lamar county. Although not specifically assigned, yet errors going to the foundation of the action should be considered. [45 Texas, 51.] The only difference between the rights of a wife and husband to their interest in the community property, is that the husband has control over the wife's interest during his life. A disposition of her interest by her husband's will could only be rendered effective by her election to take under it. A judgment in favor of or against a minor not represented by guardian or next friend, is not void and can only be avoided by judicial proceeding. So far as the record shows the judgment ought to be reversed and remanded.— Watts, J.

Moody & Jemison vs. Levy et al; from Gonzales county.—The sole question in this case turns upon the action of the lower court in quashing affidavit for attachment, because it stated that "this attachment is not sued out for the purpose of injur-ing and barrasing defendants." Held, There was no error in the court's acearth taken out of this ditch was left tion. The statute, in the phase used, intended more than a mere redundant expression signifying another phase of that which was embraced in the first part. The plaintiff must make affidavit that his purpose is not to in-jure the defendant in the sense of in-

Walker, P. J., adopted. Atkinson vs. Ward et al; appeal from Gonzales county.—In this case appellee Ward sued alone, alleging that with certain heirs he was joint owner of the land in controversy; displayed for a legislative and prohibition; is it good to take due rest? they rush to the legislature tor an enactment of Sunday laws; is a pelief in a supreme Being a great joy to them? they cannot rest until they have "God put in the constitution;" these are all excellent things and the men who devote their energies to spreading light on the subjects and in forming a sound public sentiment, and benefactors of their ment, and benefactors of their constitution; there are all excellent things and the ment, and benefactors of their constitution; there are all excellent things and the ment who devote their energies to spreading light on the subjects and in forming a sound public sentiment, and benefactors of their constitution; there are all excellent things and the ment who devote their energies to other system of internal improvement, and benefactors of their constitution; there are all excellent things and the ment who devote their energies to other system of internal improvement, and public sentiment, and benefactors of their constitution when they leave their continue to give railroads and every alone the red in controversy; prayed for judgment quieting him in his possession of the undivided one-third. The verdict was for Ward alone, therefore judgment was rendered in favor of Ward and his joint to check the work of construction. Continue to give railroads and every alone, therefore judgment quieting him in his possession of the undivided one-third. The verdict was for Ward alone, therefore judgment was rendered in favor of Ward and his joint to check the work of construction. Continue to give railroads and every alone, therefore judgment was rendered in favor of Ward and his joint to check the work of construction.

Continue to give railroads and every alone, therefore judgment was rendered in favor of Ward and his joint to check the work of construction.

Continue to give railroads and every alone, the reads as the provided of the provided of

cover his distinct portion as sued for and distinctly stated in the pleadings an petition. [Gresham vs. De Laney last Tyler term.] Reversed and re-manded.—Walker, P. J. Heideaheimer vs. Garten Verein; appeal from Galveston county.—Ap-

pellant being on the bond of a con-tractor who had failed in his contraco build a pavilion for appellee, upo certain conditions undertook to carry out the contract and to construct th pavilion according to the plans and specifications, under the direction of the architect. There was a disagree ment: Heidenheimer ceased the work he appellee finished it and brings suit for the difference in cost. There was no conflict as to the flooring about which the difference arose, but appel lant contended as the original contract or had deviated from the contract h had the right to continue in the deviation. The court below held otherwise, Held: Correct, the evidence undoubtedly showing that appellant and not the architect was to blame, charge of the court holding that whether Heidenheimer or the architect was to blame, etc., did not injure appellant and the judgment cannot be versed for that abstract error. Afirmed.—Watts, J.

Ranthum vs. Hoffman; from Colo ado county.-An owner may create a highway by dedication or donation of his land for that purpose, when such has been recognized as a high being called to this omission in the way by the proper public authorities harge on the motion for new trial, it or when such has been accepted and used as such by the public. An in tent to so dedicate the land must be shown by the acts and declarations of the owner, and such acts should unmistakably show the intention to ledicate the land absolutely and in revocably to the public use. fact that a way may have no outlet or may terminate in a private road does of prevent a dedication to public The owner may, without an inention of dedication, permit the pub c to use a way, but this would only onstitute a license, revokable at leasure. The charge of the court wlow, not being in accordance with iese principles above announced, the dgment is reversed and remanded.

Watts, J. Kendall vs. House; appeal from Fort Bend county, [For statement see this case in 55 Texas.] The sale appellant being with the consent I and afterwards ratified and confirmed by the remaining executor i rendered the agreement binding on the estate. [48 Texas, 535; 56 Texas 231.] Such agreement and ratification being shown, it cannot be considered a personal obligation of the appellant for it is only upon the principle that it is not obligatory upon the estate that would make it binding upon the appellant and would make him liable The court therefore committed funda mental error in rendering judgment against the appellant in his individual capacity for which the judgment is reversed and remanded.—Watts, J. Goggan vs. Williams' et al; appeal rom Galveston county.- The county commissioners' court, of which app. lant was a member, had met at a regu lar term to levy a tax for county pur poses; such tax could not be levice without his presence; knowing this he purposely absented himself, whereupon the said court issued an attach ment for him. The sheriff brought him into court. He was released, and of the great edifice, whose consequences of the great proportions rise before us cutlined oath taken by defendant. The other two witnesses rather sustain the two witnesses rather sustain the truthfulness of the oath than its truthfulness of the

ained. Affirmed.-Watts, J. in the Political Arena.

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